

HB 1834 -- Testing for Contagious or Infectious Diseases

Sponsor or Co-Sponsors: Lowe, Green (15), George, Foley, Bland, Bowman, Selby

Same as or similar to: Year:

Emergency Clause: or Effective Date of:

Use Summary For: Version:, Year:,

Verbatim:

Modify above as follows:

New summary as follows: This bill pertains to testing of persons who expose care providers to the risk of contracting an infectious or contagious disease.

The bill:

(1) Requires that a person is deemed to consent to testing and notification to the care provider of test results if a care provider sustains an exposure from a person while providing health care services or other services;

(2) Contains various definitions including "care provider", "contagious or infectious disease", and "exposure";

(3) Specifies the entity or person who is allowed to conduct the test and the conditions for conducting the test;

(4) Prohibits the disclosure of the identity of the person tested unless consent is given. The sample and the test result will be

identified by a numbering system;

(5) Requires hospitals, institutions administered by the Department of Corrections, and jails to establish written policies and procedures for notifying care providers if exposure occurs;

(6) Requires hospitals or other individuals who conduct the test to notify the care provider or designated representative of the care provider if the person tested is diagnosed or confirmed as having an infectious or contagious disease;

(7) Prohibits the care provider from disclosing the identity of the person tested if a determination of such person is made. Disclosure of the person's identity can occur by obtaining a written release from the diagnosed person;

(8) Requires the exposed care provider to be advised of seeking medical attention in the event of exposure;

(9) Prohibits a hospital, health care provider or other individual from administering a test to determine the presence of a contagious disease unless a person consents and the requirements of the bill are satisfied;

(10) Allows hospitals or health care providers to provide notification to a care provider when the provider's policies require employees to be notified of an exposure to a contagious or infectious disease that is non life-threatening. The notice is prohibited from revealing the patient's name unless consent is obtained;

(11) Prohibits hospitals, health providers or other individuals from civil or criminal liability for discharging any duties contained in the bill;

(12) Limits the scope of the notification by hospitals or health care providers. Notification is limited to diagnosis of a contagious or infectious disease during an admission, care or treatment as stated;

(13) Prohibits hospitals or health care providers from being liable for civil or criminal liability for performing or not performing the test;

(14) Requires the Department of Health and Senior Services to develop rules to implement the bill; and

(15) Requires the employer to pay the costs of testing the source person of the exposure and the care provider if the exposure

occurred during the course of employment. The department is required to pay the costs of testing the source person of the exposure and care provider who renders direct aid without compensation.

Joseph